India

FOR THE

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NOTES AND NEWS.

LORD GEORGE HAMILTON has directed that the name of Mr. A. P. Pennell—the hero of the Chupra and the Noakhali cases—shall be removed from the roll of the Indian Civil Service. This decision was communicated to Mr. Pennell in the following letter, dated September 5, last:—

India Office, Whitehall, London, S.W.
5th September, 1901.

Sir,—I am directed to say that your communication of the 10th August has been considered by the Secretary of State in Council in connexion with the letter of the Government of India, of which a copy was furnished to you on the 29th June last, and that his lordship has decided, for the reasons stated in that letter, that it is impossible that you should continue to be a member of the Indian Civil Service.

You voluntarily, and in defiance of a warning conveyed to you by direction of the Government of India that you were thereby violating clause 8 of your covenant, abandoned that service by quitting India without leave on the 15th May last; and Lord George Hamilton has directed that from that date your name shall be removed from the roll of its members.

The present orders dispose of your Memorial to the address of the Secretary of State dated the 29th April last, in which you prayed for reinstatement in your office of Judge, and for compensation for the treatment to which you had been subjected.

I am, sir, your obedient servant,
(Signed), Horace Walpole.

A. P. Pennell, Esq.

We discuss Mr. Pennell's case in our leading article, and on another page will be found the first part of his reply (referred to in the foregoing communication) to the charges brought or suggested against him. The "slimness" of the India Office in the matter is indeed remarkable. Mr. Pennell was suspended for delaying, under circumstances which are notorious, to make over the record in the Noakhali case. But that is not the charge brought against him by Lord George Hamilton. On June 29 Lord George Hamilton sent to Mr. Pennell a dossier of 350 printed folio pages received from the Government of India, to which a reply was requested within a month. Mr. Pennell replied to the miscellaneous allegations scattered over this voluminous compilation. But he is dismissed, it would seem, neither on account of them nor on account of the original accusation of delaying to make over the record. Lord George Hamilton takes refuge in the technical plea that Mr. Pennell quitted India without leave on May 15, and dismisses him for that.

But why did Mr. Pennell quit India without leave? Because he knew that charges against him had been made, by the Government of India and the Government of Bengal, behind his back to the Secretary of State, he failed in repeated efforts in India to learn what these charges were, and was resolved not to be condemned unheard. He therefore came to London, and for so coming is removed from the Service. As the necessary information was placed in our hands only on Monday last we can touch this week only the fringe of a great subject, in which it may possibly be found that the personal questions concerning Mr. Pennell are the least important, though not the least shocking, ingredients.

The "Bengalee" (August 14) understands "that the Government of Bengal has definitely recorded its opinion against the separation of judicial and executive functions." It will be remembered that a most influential Memorial signed by ten or a dozen of the most eminent men that have taken part during the last generation in the judicial and executive administration of India was sent to Lord George Hamilton and by him referred to the Government of India, which apparently passed it on to the Local Governments for their opinion. The Bengal Government, then, is said to have pronounced decidedly against the reform. "Even the High Court Judges who have favoured the proposal for separation," says the "Bengalee," "do not escape criticism"—although the Government of Bengal are alleged to have consulted an ex-Inspector-General of Police, whose official experience of India terminated 18 years ago! Our contemporary says:—

Native lawyers are said to be narrow and technical, and naturally opposed to the Executive; and the separation of judicial and executive powers would confer enormous power on them. The Indian National Congress is held by the Government to be in no sense representative of the people; and, what is more, they know it . . . . We are amazed at this attitude of the Government. . . . . The "Englishman,' which is by no means friendly to the Congress, told us the other day that the educated community were the natural leaders of their less educated countrymen; but the Government will not accept this view. The Government goes much further. We are told that it is not representative of the people in any sense.

This is absurd enough, but what, in any case, has the representative character of the National Congress to do with the matter? And, as for the Native Judges, one might have supposed that their character was above suspicion by this time of day. All that the Bengal Government will admit, apparently, is this: "that some good may be done by issuing instructions to District Magistrates, requesting them that they should not interfere with subordinate Magistrates during the trial of cases, and that they are not to influence them by suggestions as to the sentence or punishment in any case." Such is the "Bengalee's" information. We should like to hope that the Bengal Government has not actually made such an exhibition of its logic and its temper.

A Curzon boom is "now on," here as well as in India. "An Onlooker," who writes in the October number of the "Fortnightly Review" what he calls "an Impression and a Forecast" of Lord Curzon's Viceroyalty—"the outcome of close personal observation and considerable knowledge of India during six Viceroyalties"—only stops short of the strangely premature shout that has been raised elsewhere for an extension of Lord Curzon's official period. Such a demand seems sufficiently ridiculous, seeing it is started just in the middle of his time! It will be prudent to wait a bit. It is not every observer that will see eye to eye with "An Onlooker" even. He is gratuitously extravagant. Lord Curzon, he tells us, "has done more in two years and a half to win the affection of the people of India and knit them to the Mother Country"—"the Mother Country"?—"than all his predecessors put together." Well, what of Lord Mayo (a Conservative)? And what of Lord Ripon (a Liberal)? Did India really see these two Viceroys "come and go with indifference"? We trow not. Is it true that "in that fateful autumn of 1899 Lord Curzon awakened, for the first time in Indian history, a common sentiment of affection to himself and to his sovereign"? Certainly not, if "himself" means (as we understand it to mean) "the Viceroy personally." Is it true that "the enthusiastic uprising of the Princes and people in the dark days of the South African war, the offers of men, material, and funds, the volunteers for China and the equipment of the Hospital Ship by the Prince of Gwalior" and so forth—is it true that all these demonstrations of loyalty are to be attributed to Lord Curzon? The thing is absurd. Lord Curzon does not deserve such futile extravag-

ances of indiscriminating laudation. Nor does he need them.

What "An Onlooker" does is simply to enumerate all the outstanding acts of Lord Curzon's administration that will in any way take on the temporary gilt of praise. Only a torpid or ignorant mind will be misled by the flattery. When Lord Curzon went out, he meant to govern: the officials meant that he should not govern. Which side has won the battle? Not Lord Curzon, we suspect: we wait to see, definitively. Take the most important question of his time, the Famine. Where is the evidence that Lord Curzon has gone to the root of the matter—the question of prevention? The instructions to the Famine Commission do not go beyond the ordinary official ideal of symptomatic treatment; and if the Commission took a large view of their duties, the praise must go to Sir Antony MacDonnell. "An Onlooker" takes good care not to mention the suppression of local self-government in Calcutta, and the like tendency in the Bombay Mofussil. He does not refer to the dismissal of Mr. Pennell, whose case offered a first-rate opportunity for a great Viceroy to cut the roots of the obnoxious union of judicial and executive functions.

He does not hesitate to take for granted the absolute success of the recent land legislation in the Punjab and Bombay, and he has no misgivings about the erection of the new Frontier Province. He lets alone the Sugar legislation, which was a political experiment of grave import to India. When he says Lord Curzon "has boldly thrown the [Legislative] Chamber doors as wide open as he can, and has invited the co-operation of the best informed non-officials" he forgets the recent scene in the Bombay Legislative Council. When he speaks of Lord Curzon's action as to Agricultural Banks, he has not a word for Sir William Wedderburn. What prudent men look for is not a record of acts done, with glorifying comment, but an enumeration of solid measures capable of standing reasonable tests. We have no sympathy with any "clubland" or any "political circles" that "decry Lord Curzon and belittle his work"; but we do regard his apotheosis as ridiculously premature. We have indicated some grounds of adverse criticism. But India recognises that he is a strong man, and that counts for much by itself. We ourselves think that so much should be assumed, and then we should begin to reckon up his achievements. But, in sober truth, the time for that operation is not yet; and we must ask Lord Curzon's claqueurs to give him fair play, either by silence, or by reasonable representations of fact, duly weighing both the favourable and the unfavourable considerations. "For the present at least the National Congress has no raison d'être." Oh! hasn't it?

The "Times of India" enters a protest against the idea so prevalent in England that the fighting races of India form an inexhaustible recruiting ground. The "Spectator" lately talked of the ease with which ten thousand Sikhs and Afridis could be sent to garrison Wei-hai-Wei, and declared that if the Philippines became British they could be garrisoned by men of these races "without risking a single bone of Tommy Atkins." The "Statist" urged the formation of a non-British Imperial Army largely recruited on the Indian frontier. Now to pass over the assumption contained in the "Spectator's" remarks that British troops should not be risked as readily as Indian, there are grave objections to these proposals. The fighting races of India are strictly limited in numbers. Recruiting for the Indian Army grows more difficult. The recruiting field shows a tendency to contract. Even the supply of men to the Hong-Kong regiment and the trans-marine police forces injuriously affects the supply to the Indian Army. Any attempt to raise a large force will be at the expense of the forces already in existence.

An interesting point dealt with in the Report of the Famine Commission is the disposal of Famine Orphans. It is laid down that the State should be the temporary guardian of deserted children; that if after a reasonable time their natural protectors cannot be found, they should be given into the charge of respectable people of the same religion who may be willing to adopt them; and that they should be handed over to persons or institutions of a different religion only when all efforts to dispose of them otherwise have failed. It is further recommended that parents satisfying a District Magistrate of the truth of their claim should be allowed to remove their children from orphanages; that the District Magistrates should have access to all such institutions; that a register of children should be kept in such places; and that no unclaimed child should be removed from the district in which it is found till three months after the close of relief operations.

A correspondent of the "Times" (Sept. 24) returns to the question of British interests in Persia, dealing specially with the new Nushki-Seistan route. "The enterprise of our merchants, the geographical advantages of the land route, and the assistance of our political officers and railway concessions"—points that he illustrates—"will not," he says, "result in any very material outlet for Indian trade so long as it has to meet the difficulties with which it is now faced on reaching the borders of the Shah's dominions." The Persian customs, though nominally in the hands of Belgian officials, are actually controlled by Russia. So, on the plausible notion of protection against plague (after 33 days' march from the nearest British Indian station!), quarantine stations are established at Seistan and on the Herat border, and trade is paralysed by detention. Again, British Indian traders are required to surrender their arms (at all risks in a risky country) before they are allowed to cross the customs barrier—an obstacle that effectually bars the progress of such as place value on their lives. Further, there is the pressure Russia "can exert through the Customs administration in a land where the foreigner has very little chance of appeal, and still less of redress, in respect of the arbitrary decisions of the responsible officials." Mr. Foley, of the Indian Tea Association, gives examples. Now comes the pinch: according to Mr. Foley, their experience at the Persian Customs houses "has given Indian traders the idea that the Russian Government is all-powerful here, that Persia is practically Russian, and British influence is NIL." Some amicable give-and-take ought at once to be arranged.

We welcome the republication of "Sir Philip Francis's Minutes on the subject of a Permanent Settlement for Bengal, Behar, and Orissa," at the instance of Babu Jogendra Chandra Ghosh, and with a preface by Mr. Romesh Dutt, C.I.E. (Calcutta: S. C. Auddy and Co.). Francis's proposals, "the result on which he most prided himself of the application of his mind to the details of Indian administration," was first made in 1775 (only ten years after the company had received the Dewani of Bengal), and next year it was despatched to England; but it did not then receive the approval either of Warren Hastings or of the Court of Directors, and not till 1793, some 18 years later, was it carried into effect by Lord Cornwallis. Mr. Dutt admits that "Lord Cornwallis's work was only a half solution of the great land question"; the other half, a similar assurance to the actual cultivators of their position and of the fruits of their toil, being long delayed—till Acts of 1859, 1868, and 1885. Perhaps the double protection—nay, the triple protection, for the State too has its interest in the partnership—is not yet complete and satisfactory. However, Mr. Dutt, who devotes his Preface mainly to a review of the land problem in the various provinces, points the bearing of the principle with lucidity and effect. Mr. Ghosh deserves high credit for the useful idea of reprinting the Minutes, and we hope the little brochure will find an extensive circulation.

The attention of Francis was imperatively drawn to the matter by the unhappy condition of the country. In the very first paragraph of his "Plan" (January 22, 1776), he declares his conviction that "for some years past the Government of this country has been living upon its capital; that is, they have annually taken a portion of the existing wealth, which ought to have been reserved for future production." If he were writing now, he would probably repeat the same opinion after more than a century of British administration. He writes (para. 2):—

Whether it be owing to excessive impositions, or to an unequal distribution, or to an injudicious mode of collection, or to the united operation of these causes, it is notorious that the country is impoverished, and in a great degree depopulated. Yet,

with every auxiliary expedient that could be devised, or with every exertion of rigour that could be enforced by Government, there is not a single year in which the actual collections have not fallen considerably short of the settlement.

Hence he concludes (para. 3) that "there must be some gross fallacy in the system hitherto pursued, since it is not even calculated to answer a temporary purpose." He expounds at great length the basis of his plan, affirming that, in his opinion, "the alternative is ruin to the people first, and then to the Government." It is noteworthy that he not only "takes ample care of the rights of the zemindars" by giving security to their property, but lays down that "the next step is to make a similar provision for their tenants": "the same security which Government gives to the tenant in chief should, for the same reasons, descend to the under-tenants in their several gradations, so that every rank of society and every member of it may have something to call his own" (para. 60). Francis also adds counsels as to the execution of his plan. The subsequent correspondence here reprinted throws an interesting light on the contemporary discussion of the whole question, as well as on the real state of the country and the attitude of the Company.

Dr. Karl Blind contributes to the September number of the "Forum" an interesting article in complaint of the "English Neglect of old Indian Poetry." Indeed, he says, generally, that "the way in which India is treated—India on whose possession the standing of England as a world-power reposes—is well calculated to give rise to utter astonishment"; and the illustrations he cites from his own experience are scarcely flattering to the national vanity. On his special point—the "extraordinary phenomenon" "that the rich and remarkable poetical literature of ancient India is wholly unknown in England to the large mass of educated people"—he refers to the general ignorance of the very name of the most famous Indian drama, "Sakuntala," and of that of its author Kalidasa. He says:—

To speak frankly: Is it not a great shame that a renowned drama which has held its place on the Indian stage for nearly fourteen hundred years should never have been acted in England until about two years ago, when it was given, for the first time, by amateurs, not in a theatre, but—Oh! ye gods of the Hindu Olympus!—in the Conservatory of the London Botanic Society in Regent's Park?

Dr. Blind is inclined to blame this neglect of "the Shakespere of India" on the poor workmanship of the two existing translations; and he shows how they order such things better in Germany. He suggests that a better knowledge of Indian literature would prove a useful political force—an "intellectual link." "And," he concludes, "it may be safely asserted that the educated classes of India resent it deeply that the English nation should be so neglectful, and apparently so contemptuously ignorant, of what they themselves hold in high esteem."

In the current (August) number of the "Quarterly Journal of Economics" (Boston, U.S.A.). Professor A. Piatt Andrew reviews "Indian Currency Problems of the Last Decade" at considerable length. Having sketched the history of the currency during the past century he summarises the suggested causes of the rise in the rupee exchange, "the really vital question" being in his view "whether the rise was due to a relative contraction of the currency," but "unfortunately we can draw no conclusion one way or the other from the actual price statistics of recent years," or from other phenomena. Mr. Andrew also describes the Indian paper currency, and considers Mr. E. A. Hambro's idea of a central bank. He balances opinions and probabilities rather than commits himself to clear-cut conclusions.

The most pressing problem, then (he says), which those in charge of the Indian currency have before them to-day is how to render the system more flexible and more responsive to changing commercial needs. Whether the practical difficulties in the way of a great central bank can be overcome—and a partial solution of the problem may be found in the establishment of a Bank of India which will take charge of the Government balances, and will manage the paper currency under less rigorous restrictions—or whether relief will be found in some provision which will allow the Government itself a larger freedom in its note issue, it is impossible at present writing to predict. In any case the difficulties will never be wholly resolved until banking habits have further developed, and the notes have obtained a wider acceptance.

All this seems rather vague and tentative, and we miss the deeper meaning of finance as an expression of social condition.

Miss Cornelia Sorabji tells the story of "An Imprisoned Rani" in the current (October) number of the "Nineteenth Century." This Rani is a daughter of the Raja of Yunla, married to a "young lean-witted boy," the adopted son of the Dowager Rani of Amapur. But a few hours after the marriage, the boy was married again, by arrangement of the Thakores (to which class he belongs), to a Thakore lady. The Dowager died a year later. Then the Chief Rani's first two babies "died mysterious deaths"; the third "is now about eight years of age," a boy. Government interfered and placed the lady in the Fort of Sihar (five miles beyond Amapur), with a guard of British sepoys, who "harass her considerably, and will not allow communication with any of her own people." "Moreover, for about two and a half years she has been paid no maintenance moneys whatever, and is in very sad case." Such is the story at August 15, 1899, when Miss Sorabji undertook to enquire into the case. Every difficulty was put in her way to hinder her from reaching Sihar. Arrived at Sihar, she "was led through courtyard and quadrangle and a labyrinth of narrow passages all filthy and offensive to a degree"; and she found the Rani and her son living in—"oh! the damp, and the dirt, and the disrepair!" "The villagers outside the gates, the Rani told me, were not allowed to supply them with food, so the one servant goes to a distant village and buys a monthly stock of 'dal' (pulse) and wheat and rice." The guard at the gate told Miss Sorabji that the Rani "every night keeps guard over the boy with an old pistol, walking sentry till day has fully risen." "Most of the English officials who knew the details of her history have either retired or left the district, and to new-comers, of course, the whole thing must sound incredible."

Well, Miss Sorabji hurried back to the railway junction—some 35 miles palanquin journey—and made hasty arrangements with the "official" and the District Superintendent of Police (which mostly fell through) for an escort to return and bring away—"rescue"—the Rani and her son. "I had had more than one anonymous warning," she says, "of a projected dacoity to kill the Rani and me, and kidnap the boy, en route." With this possibility, she had also to contend with the multiplied perversities of her palanquin-bearers. Then there was no end of trouble in getting the Rani under weigh: she "begged a week for preparation"; she would have her collection of "old halberds and gold maces and silver spears" and especially "the gold umbrella designed for the top of her palanquin"; and she absolutely refused to budge except in her lumbering "Royal palanquin." Well, well, eventually Miss Sorabji got her and the boy through in safety, and "delivered her to her mother." There are obvious absurdities in the situation.—Why on earth should a Rani be immured in such a fashion in any place under the surveillance of British officials? If British officials come and go, yet her name was on the books as a pensioner, and surely it was somebody's duty to see that the pensioner was paid, and moreover to inform himself of the conditions of her existence. Again, what was this "official" at the railway station about, and what was in the skull of that District Superintendent of Police, that Miss Sorabji was left, under such preposterous conditions as she describes, to effect the "rescue" of the Rani? We confess we do not understand this way of doing business, and we should much like to hear what the officials concerned have to say on their side. "The whole thing" does indeed "sound incredible," and it is only Miss Sorabji's personal statement that has induced us even to recapitulate the facts she furnishes. There is pressing need for an official explanation.

Remittances on India for 40 lakhs were on Wednesday offered for tender by the India Council, and applications for Rs.11,35,35,000 in bills were received at 1s. 3d. and 31-32nds and 1s. 4d. The following amounts in bills were allotted:—Rs.22,22,000 on Calcutta, Rs.12,12,000 on Bombay, and Rs.5,66,000 on Madras, all at an average of 1s. 3.969d. Tenders at 1s. 3d. and 31-32nds will receive about 3 per cent. Last week remittances for Rs.42,10,000 were sold for £280,151, making the total sold from April 1 to Tuesday night Rs.9,37,88,653, producing £6,226,298. Next week the amount to be offered will be increased to 45 lakhs.

THE CASE OF MR. PENNELL.

MR. PENNELL has been removed from the list of the Indian Civil Service. In his answer to Mr. Pennell's Memorial, the Secretary of State for India, after a reference to the letter of the India Government, declares that it is impossible that he should continue in that service "for the reasons stated in that letter." The answer then goes on to say that Mr. Pennell voluntarily and in defiance of a warning abandoned the service by quitting India on May 15, a breach of clause 8 of his covenant. By doing so, Mr. Pennell, no doubt, put himself technically in the wrong, but not until the authorities had been guilty of a much more serious breach not only of their own regulations, but of the most fundamental rule of justice. To condemn a man unheard at once breaks the regulations of the service, and is opposed to all principles of right conduct. Nor does the reference to Mr. Pennell's departure from India without leave appear to be anything more than an attempt to strengthen a weak case by the introduction of an irrelevant issue. The Secretary of State had only to confirm or set aside the removal of Mr. Pennell by the Government of India, which in its turn had acted on the motion of the Government of Bengal. But the letter of the Government of Bengal calling for Mr. Pennell's removal was dated May 9, and he only left India on May 15. How then can his departure be accepted as the reason of his removal?

What, then, were the reasons alleged by the Bengal Government in favour of a course which in the view of the Lieutenant-Governor of Bengal "should be reserved for cases of moral depravity"? Mr. Pennell, soon after his exposure of a dastardly conspiracy, in which officials had taken part, to bring about the conviction of an innocent man, was removed to Noakhali. There he had occasion to try four persons for murder. In agreement with his assessors he found three of them guilty, and sentenced one of these to death; and at the same time he accused two officials, Mr. Reily, a European, being one of them, of endeavouring to defeat the ends of justice by shielding the guilty. The men convicted of the murder appealed, and it became Mr. Pennell's duty to remit the depositions to the High Court. After copies had been made for the prisoners, he proceeded to Calcutta to deliver the documents. The Chief Justice, not being at the time a member of the Criminal Bench which alone is empowered to call for criminal records, sent a Mr. Chapman, a Civil Servant on leave, to demand the papers on a Sunday afternoon. Mr. Pennell objected to delivering them to Mr. Chapman, who had no official standing at the time, but at Mr. Chapman's suggestion took them to the house of the Chief Justice, who refused to receive them. They were eventually placed by Mr. Pennell himself in the hands of the Registrar of the Court, a Mr. Sheepshanks. Now it cannot be pretended that Mr. Pennell wished to keep these documents from the Court. He had mentioned that his judgment would have to be referred to the High Court when he sentenced Sadak Ali to death; and he had gone to Calcutta for no other reason than to ensure their safe delivery. Yet the Court decided that in delaying to hand over the papers he had been guilty of contempt, and called upon the Bengal Government to suspend him. This was at once done. Nor was he given any opportunity of defence, the Government holding that they could not go behind the recommendation of the High Court. This was early in March, and on April 23 the High Court notified the Provincial Government that the punishment he had undergone had sufficiently purged his contempt.

It might have been thought that he would then have been reinstated. He had, indeed, left Noakhali for Calcutta without leave and stayed there when ordered to return, but to this he could have answered that he had gone to Calcutta in order to deliver the record in the murder case to the Court, and that when he had been suspended from the office of Judge at Noakhali, the Government had no power to force him to return to that place. But, whatever answer he may have had, he was not suffered to give it. The Government of India's rules lay down that explanations should invariably be called for when an officer is suspended. The Bengal authorities excused themselves from obeying this rule because Mr. Pennell was suspended for contempt at the request of the High Court; but on April 23 this contempt was declared to be purged. For what was he suspended after that? The Bengal Government called for no explanations, and therefore broke the rule laid down by the Government of India, as well as the elementary rule of justice that no one should be condemned unheard. From his original suspension on March 4 till his departure from India on May 15, Mr. Pennell continually asked for the charges against him to be stated. After April 23, there could not be any legitimate reason for refusing this. The authorities could no longer shelter themselves behind the High Court, and the rule of the India Government was explicit. Yet Mr. Pennell was not informed of the charges against him. Thus did the Bengal Government, so ready to punish Mr. Pennell's contravention of rules, trample under foot alike the regulations of the service and the eternal principles of justice.

So far, then, we have seen that Mr. Pennell's departure from India without leave could not justify a dismissal on the motion of the Bengal Government, since their prayer for his dismissal, in consequence of which the Government of India took action, was earlier than the date of the departure. Nor could his dismissal be asked for on the grounds that were held to justify his suspension, since the original cause of his suspension, his contempt of court, was purged, and as to any other allegations against him, he had not been informed of them and asked for his answer, as by the regulations he should have been. What else was there against him? He had had sixteen years of service, and his whole career was ransacked to yield matter against him. He was accused, as he himself has put it, of having thrashed a man in 1893, made a high official very angry in 1894, done an act of justice in 1899 (the Chupra case), and tried to do another in 1901. But as these earlier delinquencies could at best have been introduced for no other purpose save to justify the heaviest possible punishment for the latest, we will consider for a moment the part played by Mr. Pennell in the Noakhali murder case.

Mr. Pennell, concurring with two independent assessors, convicted three out of the four prisoners, condemned one to be hanged, and accused certain officials, one being Mr. Reily, District Superintendent of Police, of endeavouring to interfere with the due course of justice. The prisoners appealed to the High Court which ordered two to be set free, and one to be re-tried. The proceedings against Mr. Reily were stayed; and Mr. Pennell's conduct was severely commented on. The Government appointed Mr. Geidt as Sessions Judge at Noakhali in Mr. Pennell's room, and Sadak Ali was re-tried before him. The prisoner was again convicted, this time by Mr. Geidt and two new assessors, and sentenced to transportation for life. Whatever Mr. Geidt's motives were in passing a lighter sentence, his judgment was a vindication of Mr. Pennell's. He believed the witnesses Mr. Pennell believed, and he disbelieved those Mr. Pennell disbelieved. The prisoner again appealed to the High Court, which on September 10, five days after Mr. Pennell's name had been removed from the List of the Indian Civil Service, finally vindicated the substantial justice of his judgment by upholding that of Mr. Geidt.

How, then, stands the case as between the Government of India and Mr. Pennell? The latter, whatever his faults, was the means in the Chupra case of redressing a foul wrong and exposing a vile conspiracy. It might have been expected that Government and people, putting aside all minor failings in taste or temper, would unite in honouring this just judge. The people did their part. Not so the Government. The conspirators were given some trifling punishments, soon remitted in the case of the European officials. The higher officials who tried to shield them found their conduct no bar to their future promotion. Mr. Pennell was removed to Noakhali, one of the worst climates in Bengal. At first we were told that his transfer took place in the ordinary course, and had no relation to the Chupra case. An examination of dates showed that this position had its difficulties. Now it is declared that he was removed because of his incompetence—an incompetence that was not perceived till he had shown his ability to frustrate a dangerous plot. The authorities knew that his health needed a dry climate. They sent him to the dampest. And that was his reward for doing justice at Chupra. In these circumstances it is rather surprising to find the Government of India informing the Secretary of State as follows:—"But if the value

of his charges against the local government and against other persons may be estimated from the character of the accusations which, in the course of the judgment, he thought fit to level against the Government of India, in connexion with the notorious Chupra case, we may inform your lordship without any demur that the latter were destitute of any truth from beginning to end."

Finally, we would ask whether it is favourable to the good administration of justice and the good government of India that a man, looked up to by the people as a just judge, should lose his health and sixteen years of his life in the Government's service, and then be cast adrift; whether it reflects credit on the Government to punish the Judge more severely than the malefactors, official and other, whom he has exposed; and whether it is just and righteous to use every breach of propriety or of regulation as a means to ruin Mr. Pennell, while by refusing to hear his defence the authorities themselves break their own rules and the fundamental principles of justice?

THE INDIAN NATIONAL CONGRESS.

DELEGATE OF THE BRITISH COMMITTEE.

At a largely attended meeting of the British Committee of the Indian National Congress held in London on September 26, Mr. W. C. Bonnerjee was, on the motion of the chairman (Sir William Wedderburn) seconded by Mr. Dadabhai Naoroji, unanimously elected to be the Delegate of the British Committee to the next Indian National Congress, which meets in Calcutta in December.

CHRONICLE OF THE WEEK.

THURSDAY, September 26.—The polling for North-East Lanarkshire took place. Sir W. H. Rattigan (Unionist) was returned, receiving 5,673 votes against 4,769 recorded for Mr. Cecil Harmsworth ("Liberal Imperialist") and 2,900 for Mr. R. Smillie (Labour). This result is a Unionist gain of a seat. Mr. Harmsworth is a director of the "Daily Mail."

In the Federal House of Representatives at Melbourne, Mr. Barton spoke in opposition to an amendment to the Immigration Bill which prohibited the entry of Asiatics and Africans as such. He declared that if the amendment were carried the Bill would be withdrawn. The amendment was finally rejected by 36 votes to 31.

Czolgosz, the murderer of President McKinley, was sentenced to suffer death by electrocution on some day in the week beginning October 28—the earliest which, under the State law, could be fixed for his execution. The prisoner refused to say anything in exculpation of the crime, for which he declared that he alone was responsible.

The first race between Shamrock II and Columbia took place off Sandy Hook. The yachts started about 11.10 a.m., the breeze at the time being fairly brisk, and Shamrock at the outset got ahead, but Columbia presently overtook and passed the challenger. The wind soon afterwards died down, with occasional spurts, and the yachts were unable to cover the course within the time limit, so that the race was declared off. At the close Columbia held a decided advantage.

FRIDAY, September 27.—Lord Kitchener stated that Forts Itala and Prospect, on the Zulu border, were yesterday attacked by the Boers in force, who were said to be under Botha. The garrisons drove off the enemy, inflicting heavy loss. Lord Kitchener also reported that Lieutenant Miers, of the Somerset Light Infantry, had been murdered at Riversdraai by three Boers who approached him under the white flag. A Middelburg telegram said that Colonel Munro, in an engagement with Myburgh, killed two and wounded three Boers and captured 60 horses, 20 saddles, six rifles, 600 rounds of ammunition, and some blankets. The names of the ten Boer officers who, having been caught in arms since September 15, had been permanently banished from South Africa, were given in a Johannesburg telegram.

In the course of his speech on the Immigration Restriction Bill, in the Federal House of Representatives yesterday, Mr. Barton made public a despatch from Mr. Chamberlain, enclosing a copy of a despatch to the Government of Queensland, explaining the reasons why the Queensland Sugarworks Bill had been vetoed. Mr. Chamberlain expressed a hope that the Commonwealth Government would join the home Government in deprecating legislation of the character of the Sugarworks Bill. Mr. Barton stated that, with the approval of his colleagues, he had put a minute to the despatch, stating that he quite agreed with the policy laid down, and promising that the Commonwealth Government would not propose any legislation conflicting with the wishes expressed. Mr. Reid strongly denounced Mr. Barton for making such a promise. Mr. Reid's change of attitude on the question of "coloured" labour was attributed to a desire to secure the support of the Labour party in dealing with the tariff.

A Bombay correspondent said that on August 24 the Turks endeavoured to land troops at Koweyt. The cruiser Perseus steamed up to the Turkish vessel, and her captain demanded the object of its visit. The Turkish commander replied that he had orders to land 500 men. The British captain advised him to return to Busra. The Turk entered the harbour and prepared to land the troops, whereupon the decks of the Perseus were cleared, and she kept a searchlight on the Turkish vessel all night. Next morning the Turkish commander visited the Perseus, and intimated his intention of returning to Fao and telegraphing to Constantinople. In the meantime Turkish troops were massing at Busra, and were reported to be under the command of Edhem Pasha.

Mr. M. Oldroyd, Liberal M.P. for Dewsbury, intimated his intention of resigning his seat on the ground of ill-health. Mr. Oldroyd has represented Dewsbury since 1888.

SATURDAY, September 28.—Lord Kitchener reported that General Bruce Hamilton's force reached Fort Itala, on the Zululand border, at 9 a.m. to-day. General Hamilton reported that the Boers had moved to the north-east. The defence of the posts was most creditable, and heavy losses were inflicted on the enemy, who attacked in force. General Hamilton was endeavouring to locate the enemy, and would follow them. A Greytown telegram stated that the Boers attacked the Basutos last Tuesday and that, after severe fighting, the Basutos fell back. The Boers lost three killed, and the Basutos also had several casualties. From Matjesfontein it was reported that Scheepers had crossed Olifants River, going south-east. He was being pursued by British columns. Theron had gone north. The trial of Lotter began at Graaf Reinet yesterday. There were eight charges against him, including sedition, murder, blowing up railways, and sjamboking British subjects and Europeans. He pleaded guilty to the last charge only. He claimed to be a Free Stater, but had not adduced any evidence in support of this. One of the rebels of Lotter's commando, when tried, handed in, in mitigation of sentence, an affidavit in which he stated that he joined the rebels in consequence of Dr. Te Water's speeches at Graaf Reinet and Aberdeen last December. The Treason Court at Kimberley sentenced several influential farmers at Douglas to terms of two and two and a half years' imprisonment. A pamphlet was published under the authority of Lord Kitchener for the information of burghers, containing an announcement of the permanent banishment of leaders captured since September 15, and a reply by Lord Kitchener to a letter from Mr. Schalk Burger, making overtures for peace, received on September 5.

Mr. Asquith, addressing a meeting of his constituents at Ladybank held that in the war in South Africa we were fighting with clean hands and with a clear conscience in a just cause. But that did not debar him from criticising the manner in which the Government had conducted the war. He censured their reckless optimism, and was of opinion that, especially in the latter months of 1900, they had been guilty of grave errors of judgment. He condemned the idea of dealing with the question of redistribution of political representation as a means of punishing and reducing the Irish Nationalist party. He admitted the right of that party to act independently of any other in the House of Commons; but if the Irish party was independent, so also was the Liberal party.

A British naval force was reported to be concentrating in the Persian Gulf. It was believed that fresh trouble was impending at Koweyt. Turkey was reported to have 30,000 troops concentrated at Busra, and it was suspected (by some journalists) that the Turks wish to seize Koweyt.

The first completed race for the America Cup took place this morning outside Sandy Hook. The weather conditions were favourable, with a fairly strong breeze, which increased as the day wore on, but afterwards diminished. The two yachts started just after 11 a.m., and the contest was a very close one throughout. Columbia led at first and then Shamrock, which turned the mark about 41sec. earlier than her opponent. On the homeward course, however, Columbia gradually crept up to, and eventually passed, her rival, winning by about 35sec. in addition to her time allowance.

MONDAY, September 30.—The War Office issued an intimation that there was no foundation whatever for the statements which had appeared in various journals that Lord Kitchener had tendered his resignation. No friction of

any sort had existed between Lord Kitchener and the War Office since he took over the command in South Africa from Lord Roberts.

The British casualties in the defence of Fort Itala, on the Zululand frontier, were very heavy. One officer and 11 men were killed, and five officers and 38 men were wounded. No fewer than 63 non-commissioned officers and men were also returned as "missing," but it was added that a large number of them were known to be killed or wounded.

Mr. Barton stated that the policy embodied in the Immigration Restriction Bill was decided upon before any Minister knew anything whatever concerning the principle and policy laid down in Mr. Chamberlain's despatch. In regard to the educational test in the Bill, Mr. Barton thought the majority of the representatives favoured the substitution for English of "any European language."

A Simla correspondent said that, according to the latest news from the Persian Gulf, all was quiet at Koweyt. The Ameer of Nejd was said recently to be threatening an attack, but the continued presence of British gunboats in Koweyt harbour appeared to have caused him to abandon the intention.

TUESDAY, October 1.—Lord Kitchener said the results since September 23 were 27 Boers killed, 24 wounded, 274 prisoners, and 48 surrenders, with the capture of 138 rifles, 10,400 rounds of small-arm ammunition, 189 wagons, 3,270 horses, and 11,260 cattle. In addition, prisoners taken by the Boers during the attack on Fort Itala said that they saw 60 Boers buried at the enemy's laager. General Bruce Hamilton reported that the enemy were busy both on Thursday and Friday last in carrying in their dead and wounded. The main body of Botha's force was now in the neighbourhood of Berthasdorp. Lord Kitchener added that he had just heard that Kekewich's camp at Moedwill, to the west of the Magato Pass, was attacked at dawn yesterday by the enemy in strength under Delarey and Kemp. The attack was repulsed, and the enemy retired to the north-west. A Reuter telegram from Melmoth said the total of Boer casualties in the attack on Fort Itala was estimated at 500. The fighting lasted 19 hours, and three Boer commandants were killed. The fighting at Fort Prospect was also severe, lasting ten hours. The enemy were driven off. A large convoy which left Melmoth for Fort Prospect was captured by the Boers on Sunday, six miles from Melmoth.

An attempt was made to sail the second race for the America Cup between Shamrock and Columbia. A fairly strong breeze was blowing in the morning, but before the yachts started to sail a triangular course of three "legs" outside Sandy Hook it had much diminished. Columbia made the best start, and for some time held a considerable lead, but Shamrock, getting the first of a freshening wind, overtook and passed the defender, and was more than three minutes ahead at the first turning-mark. Columbia subsequently recovered the lead, but again lost it, and when the time limit expired and the race was declared off, Shamrock was about three-quarters of a mile ahead.

Two British cruisers arrived at Bombay. Several big guns were being sent to Koweyt for the use of the Sheikh Mubarak. Fighting took place on September 23 outside Koweyt between Mubarak's forces and the Nejd tribes. The casualties were small.

WEDNESDAY, October 2.—Lord Kitchener said that Delarey's attack on Colonel Kekewich's camp at Moedwill last Monday was pressed by the enemy, 1,000 strong, with great vigour. After over two hours' close fighting the Boers were driven off with considerable loss. The British casualties were severe—two officers killed, 11 officers severely and three slightly wounded; 31 non-commissioned officers and men killed, and over 100 wounded, of whom 74 had been brought into Rustenburg. As to the Boer losses at Forts Itala and Prospect, Lord Kitchener said that the report that they were heavy was confirmed; it was reported that 250 Boers were killed and 300 wounded. Lord Kitchener stated that the two guns captured by the enemy at Vlakfontein had been recovered. Mr. Broeksma, formerly Public Prosecutor of Johannesburg, convicted of treachery and high treason, was shot at Johannesburg on Monday.

THE REPORT OF THE FAMINE COMMISSION.

SOME OPINIONS OF THE BRITISH PRESS.

THE "MANCHESTER GUARDIAN."

This morning our Special Correspondent completes his long summary of the work of Sir Antony MacDonnell's Indian Famine Commission. Writing earlier in the week on an incomplete summary of the Report, we expressed the hope that a fuller version would give a more favourable impression, and this expectation is justified to-day by the second part of our Correspondent's analysis dealing with the Commission's suggestions for preventing famine. It is most important that the value of this section of the Report should be generally recognised, because it is the part on which the Indian Government seems to have reserved its decision, and it may need the steady pressure of public opinion to ensure the enforcement of the preventive reforms urged by the Commission. On the other hand, the suggested reforms in famine administration proper, which have been accepted without hesitation by the Central Government and embodied in instructions to the Provincial Governments, might perhaps have been studied a little longer with advantage. In particular, the decision to abolish the minimum wage on relief works and to substitute a strict system of piecework with a maximum day's wage seems liable to grave abuse. We pointed out the other day how badly this system had worked in certain districts in Bombay where it was tried, with the result that for many the so-called relief was simply a method of starvation. Many were so enfeebled by distress when they came to the relief works that on a piece system they were unable to earn more than twopence a week, which is less than even a Native of India can live on. The Commission, it is true, has foreseen this difficulty, and it has recommended that the abolition of a minimum wage should depend on a careful classification of workers according to their capacity, besides suggesting a more careful system of inspection in the camps. But in theory all these precautions already existed under the old Famine Code, and that Code did not prevent a great many abuses. The old Code contained a provision by which the unfit were to be set to work by themselves on an assured minimum, or allowed to do nothing. It failed in the past because the famine service was under-staffed and overworked, and its success in the future will depend on the efficiency of the machinery. It would, we think, have been wiser to err on the side of generosity, and to run the risk of doing more than justice in some cases rather than less than justice in others. The fear of "pauperising" the people, which is so constantly before the Indian Government, strikes one as largely imaginary, and not worth taking into account in face of the terrible and long-drawn distress caused by the successive famines of recent years.

This is only one out of many detailed suggestions, most of them quite sound, made by the Commission for the management of relief camps. Its statement of the general principles that should govern famine administration is statesmanlike, if not altogether new; but the most valuable part of the Report, as has been said, is the suggestions for removing the causes of famine. The Commission was asked to enquire whether the land revenue was fair in amount, and whether it was sufficiently elastic to be paid year by year without causing indebtedness. Mr. Vaughan Nash, our special correspondent in India during the 1899 famine, showed how closely the land revenue question and famine were bound up. He complained that at the height of the famine the Bombay Government were engaged in raising practically the full normal revenue from the starving rayat. "This inflexible tribute system," he wrote, "is the upper millstone and the gathering burden of indebtedness the nether millstone with which we are grinding India." That was a strong way of putting the case, but it is amply justified by the findings of the Commission. The methods of collecting revenue in the Bombay Presidency, it points out, were stricter than anywhere else, and the action of the authorities "was directly in conflict with the principles which we consider vital in times of famine." Now it must not be supposed for a moment that these hardships were due to a greater degree of callousness in Bombay than in other parts of India. It is the Bombay Government's theory of land revenue that is wrong. The assessment is revised periodically, and if the assessment is fairly made and the lean years are taken into account with the fat years, then, according to the doctrine of averages, everything ought to work out rightly. The refusal of the Government to take into account lean years as they come is not due to callousness but to a principle. The authors of the Bombay Land Revenue system held that the best way to excite the cultivator to independence and to create agricultural prosperity was "to exempt him as much as possible from the pupilage of Government officers," and it was held that it was "an obvious advantage to get land out of the hands of the cultivators unable to pay their way and to transfer it to cultivators with more capital." These principles might work well if the Indian rayats were always thrifty in the good years and if there were no such things as successive years of famine in India. But under the strain of famine they become mere instruments of torture, and the conscientious refusal of the Government to play the part of father to the rayat simply means that he acquires a very unsatisfactory substitute in the money-lender. The result has been that one-fourth of the cultivators in Bombay have lost their land entirely, less than one-fifth are free from debt, and the remainder are in debt to a greater or less extent to the money-lender. The rayat becomes a mere serf; he toils that another may rest, and sows that another may reap. And the chief cause of this is the rigidity of the land revenue system and the pernicious "doctrine of averages" on which it is based.

"Elasticity," the Commission declares, "must be an integral part of the revenue system, or the cultivator will be forced to borrow," and, as we have seen, rigidity is held to be the ideal thing in Bombay. The Report is thus a strong condemnation of the whole system of taxation in Bombay. The system helps to make famines and it increases their destructive force when they come. More liberal and more timely remissions of revenue, then, are the first condition of any sound famine administration in Bombay for the future. But the Commission does not stop there. It goes on to discuss preventive measures, and it suggests, besides the reform of the methods of taxation, certain measures which would help to repair the ruin already wrought. The indebted-

ness and expropriation of the hereditary cultivator is a political danger of the first magnitude, and will have to be tackled in Bombay as it has been in the Punjab. The Commission suggests that agricultural banks should be formed in the villages, that Government loans should be advanced for agricultural purposes, that the system under which the money-lender who has seized farms for debt keeps them under the name of the old proprietor, who is reduced to the level of a serf, should be made illegal, and that rayats who have mortgaged their holdings should be allowed to compound with their creditors. It is suggested further that the right of transferring land should be limited, as it has been in the Punjab. Readers of the letters written by our Special Correspondent during the Indian famine will remember that he fixed on these same reforms as the real solution of the problems underlying the repeated famines in India of late years. These famines raise not merely questions of the most effectual systems of relief but also far-reaching fiscal and agrarian questions. The agrarian problem will have to be grappled with. "The Government," wrote our famine correspondent in his last letter, "will realise that its first duty is to hold the balance fairly between the different classes of Indian society, and that its first interest—its first and last interest—in a land where famines are recurrent is to secure the cultivator in his position, and to secure, so far as it can, the prosperity of agriculture, on which the life of India depends." (September 26.)

THE "STAR."

The Government in pursuance of its "keep-it-dark" policy has withheld, and is still withholding, the Report of the Indian Famine Commission, though the Commission was appointed last December, and the Report was signed on May 8. As with South African affairs, so with those affecting India, and to some extent home affairs also (the Report on the Royal Yacht, for example), the House of Commons is studiously ignored. So far as the Report of the Indian Famine Commission is concerned, the "Morning Leader" this morning publishes some of its most striking passages, and they make gloomy reading. Thus it is put on record that

> the toll taken by the famine in British districts was about one million and a quarter lives.

The mortality among cattle was also appalling, and to a great extent preventable. The Commissioners report

> it is in evidence that large stocks of fodder, State and private, were kept waiting at the railway stations for want of wagons to carry them away. To increase the rolling stock is, in our opinion, one of the most urgent questions of famine insurance.

The terrible consequences of this break-down of transport scarcely need to be pointed out, for widespread mortality among cattle means in India ruin and starvation to thousands upon thousands of human beings.

There is a certain satisfaction to be obtained from the knowledge that our responsible officers in India, when once face to face with the horrors of famine, worked hard, and without sparing themselves. But no amount of hard work can make up for lack of foresight and of preparation, and all through this Report there is evidence of unpreparedness. It looks as if here, as elsewhere, the Intelligence Department was at fault. The Report says in one place:—

> In certain districts people in sore need of relief were denied it in the early stages of the famine owing to defective administration.

In another place one reads:—

> It is scarcely possible to overstate the tonic effect upon the people of early preparations and of an early enlistment of non-official agency.

The public has probably not forgotten the disastrous effects of Lord George Hamilton's inability to recognise the terrible nature of a recent famine in India, a slowness of apprehension which caused him to stop the establishment of a relief fund which the Lord Mayor of the day was anxious to open. The same official blindness seems to have afflicted the authorities in the earlier stages of this latest visitation.

Nowhere in the world is the line between the official and the non-official more clearly drawn than in India. Like the Jews and the Samaritans of old, they have no dealings with each other. Yet perhaps the most striking feature of this hushed-up Report is the justification of the non-official critics. The Commission, it should be said, was entirely official in character, consisting of four officials, of whom only one was an Indian. Yet truth will out even in an official report, so that again and again we find that the predictions of non-officials have been fulfilled, and the wisdom of non-official recommendations proved. The force of events must have been overwhelming indeed before the distinguished men who signed this Report could be induced to own that people outside the charmed circle of officialdom could have expressed views worthy of a moment's attention. The Commissioners not only review the past, but they make recommendations for the future. These recommendations may be summarised in this way:—

1. Liberal suspensions and remissions of revenue and rent;
2. Agricultural banks;
3. Liberal loans to cultivators;
4. Organic changes in the existing agrarian system in Bombay, which has led to undue indebtedness; and
5. The improvement of agriculture.

In almost every particular these recommendations are an echo of the non-official voice which has for years been crying in the wilderness. Whether the suggestions will be carried out by the authorities remains to be seen. The fact that at the head of the India Office there is such a dilatory and humdrum official as Lord George Hamilton, and the further fact that this important Report has been practically suppressed make it evident that unless the Government be stirred up India will be again forgotten, and will have to be content with being described in post-prandial perorations as "the brightest jewel in the British Crown."

THE INDIAN FAMINE COMMISSION.

RESOLUTION OF THE GOVERNMENT OF INDIA.

(*Concluded from page 155.*)

EXPENDITURE ON RELIEF IN SOME CASES EXCESSIVE.

18. That the mortality of the famine and the losses suffered by the people were not due to any want of liberality on the part of Government is sufficiently clear from that part of its Report in which the Commission records its opinion upon the expenditure entailed by famine relief. It was only to be expected that under such conditions as those of 1899-1900 the relief of distress would prove exceedingly costly; but allowing that the needs of the population are far greater when weakened by a series of calamities than when suffering from a single misfortune, there is reason to apprehend that the outlay was larger than necessary. In some districts, as pointed out by the Commission, the extraordinarily high proportion of the population maintained by State charity was itself an indication of extravagance; and the same conclusion might be drawn from the startling differences in the extent of relief between adjacent and similar districts, in cases where there was no ground for the suspicion that relief had been stinted in the more economical of the two areas. The Government of India do not desire to follow in detail the arguments which tend to show that relief was in some cases too prodigally granted, to the waste of public money and the demoralization of the people. They realise the difficulty which must be experienced under the rules in force in denying charity to those who no longer feel shame in demanding it. But they accept the conclusions of the Commission that there was in some areas an undue expenditure of public money. They believe that the liberal distribution of gratuitous relief in the Central Provinces during the rains saved thousands of lives and was the direct cause of an unusually low death-rate during the autumn months. But they cannot resist the conclusion that this gratuitous relief was, especially in some districts, granted with too profuse a hand.

RAILWAYS.

19. The protective value of railways was manifested more clearly during the recent famine than in that of 1896-97, when stocks were larger and the affected districts, taken together, imported no more grain than sufficed to supply six weeks' consumption. The net imports of 1899-1900 amounted to over a million and three-quarters of tons and maintained the population of the affected districts for quite half the year. To those who may argue that the necessity for these enormous imports merely arose from the previous depletion of stocks by railway traffic it is a sufficient answer that local stocks could not have stood the drain resulting from a series of short harvests, and that, for example, the net imports of the Central Provinces amounted to 80 per cent. of the net exports of the five years preceding. The Commission, while fully admitting the effect which the Indian railway system can claim to have exerted in saving human life, advocates a considerable increase in rolling-stock at the cost if necessary of the Famine Insurance Grant, as "the substitution of the great reserves of the country at large for the petty reserves of individuals demands an increasing efficiency in the means for rapidly moving them." The railways were clearly unable to carry much of the food-grain and fodder which were offered them during the famine, and this suggestion will receive careful consideration. But it seems possible that the block in traffic was due rather to unavoidable limitations in the carrying capacity of the lines than to a deficiency of rolling-stock.

TAKAVI ADVANCES.

20. The Commission lays much stress on the value of takavi advances in giving heart to the people and as a means of self-help, apart from their beneficial effect in increasing the agricultural capital of the country. More than a crore and three quarters of rupees were loaned to the people for expenditure on works of land improvement and in the purchase of seed-grain and cattle, and the Commission expresses its appreciation of the immense benefit of these advances, though it concludes that they were not in all cases made at the most advantageous seasons. It is, of course, essential for the utility of these loans that they should be given out in good time. Direct dealings with thousands of cultivators must be difficult and tedious; it is desirable to simplify procedure in every way possible; and the Commission notices with approval two expedients which greatly facilitated distribution in the Central Provinces, and which will be commended to the consideration of other Local Governments.

EXPENDITURE FROM THE CHARITABLE RELIEF FUND.

21. Many thousands of rayats, too impoverished to take loans with any hope of repaying them, were rescued from a condition of hopeless pauperism by the beneficent operations of the Charitable Relief Fund, which came to their assistance with a sum not very far short of that advanced by Government as takavi. It is hardly possible to exaggerate the value of the assistance thus rendered to the country and the people, or to over-state their obligations to the subscribers to this Charity.

SUSPENSIONS AND REMISSIONS OF LAND REVENUE.

22. In the famine-stricken area as a whole the Government refrained from collecting a third of its land revenue, thereby relieving the people from the payment of a crore and three quarters of rupees; and the Commission has concluded that, save in Berar, where collection was undesirably stringent, the demands of Government for revenue were no larger than was consistent with a policy of great liberality. They are, however, of opinion that in some Provinces the concession lost considerably in value from not having been definitely announced to the people when the failure of their crops was patent, and they insist on the desirability of infusing spirit into the people at the commencement of a famine by a clear declaration of the extent to which the Government is willing to forego its demands. It is impossible to make such a declaration if regard is to be paid, not to the broad facts of crop failure, but to the resources of individuals as ascertained by enquiry, and a strong recommendation is made that suspensions of revenue following a general failure of crops should themselves be general, being adapted to the harvest conditions of whole villages or tracts without regard to the position or means of individual cultivators or landholders. This is the course which has been followed in the North-Western Provinces and the Central Provinces and, on the occasion of this famine, in the Punjab. The recommendations of the Commission on this point will be dealt with separately in communication with the Local Governments concerned, but the Governor-General in Council has no hesitation in stating his general concurrence in them. When people are stricken with calamity, it is of the utmost importance that they should be assured without delay of the resources which the liberality of Government is prepared to afford to them, and it is impossible to give such an assurance if a necessary preliminary is a detailed enquiry into the circumstances of individuals. The Commission would indeed go further and would accept a general crop failure as warranting, not only a general suspension, but a general remission of revenue. It is obvious that the remission of revenue can wait upon detailed enquiries without the objection which applies to such enquiries as a preliminary to suspension: and there are no doubt strong arguments against the remission of revenue in the case of solvent proprietors unless its application can be guaranteed to the relief of their tenants. The Commission points out that the Tenancy law of some provinces may need amendment in this respect. The question is one upon which the Government of India are unable to pass judgment until the opinions of Local Governments have been received and considered.

INCIDENCE OF THE LAND REVENUE ON THE PRODUCE OF THE LAND.

23. The Commission has alluded to the question of the proportion of the land revenue to the produce of the land, and has drawn attention to the fact that this proportion is not more than 5 per cent. in the Central Provinces, 7 per cent. in Berar, and from 7 to 10 per cent. in the districts of the Delhi division, Ajmer and the Bombay Deccan. In Gujerat the proportion is higher, rising to 20 per cent. in the most fertile areas, but still leaving larger profits than are gathered in poorer tracts with a much lighter assessment. These percentages have been arrived at by calculations which take the produce of the land as consisting of grain only, and omit from account the large difference in value between a grain crop and such products as sugar cane or cotton. They are on the average exceedingly low when compared with the share of the produce to which Government is entitled by the tradition of the country or which is conceded to it by the most exacting critics of its revenue policy, and the general conclusion of the Commission is that the revenue is nowhere sufficiently high to be in itself a cause of indebtedness. But its levy in cash in seasons of deficient crops undoubtedly strains the resources of those who have spent the income of favourable seasons as it accrued to them; and to a people who have still to learn the value of thrift, there is a consequent need of borrowing which in a succession of bad seasons may end in heavy indebtedness.

OTHER RECOMMENDATIONS NOT IMMEDIATELY CONNECTED WITH FAMINE RELIEF ADMINISTRATION.

24. In Part III of its Report the Commission makes a series of important suggestions for the improvement of the condition of the agricultural classes. It recommends greater elasticity in revenue collection generally, and particularly in the districts of the Bombay Deccan; the establishment of agricultural banks; the encouragement of land improvement; the expenditure of a larger share of State funds on irrigation works, and, generally, wider attention to measures for increasing the knowledge, the intelligence and the thrift of cultivators. Particular attention is invited to the indebtedness which now fetters the cultivating classes in the Bombay Deccan and has brought a large proportion of them under the control of the money-lending interest, and some very radical measures of reform are advocated. The recommendations of the Commission in all these respects will be considered in detail with due respect to the authority attaching to them, and the Governor General in Council welcomes them in the expectation that they will lead to a number of most beneficial reforms. The Government of India have already taken action on two of the lines indicated: the development of village credit associations has been under the consideration of a specially constituted Committee, and the practicability of a wide extension of irrigation works is the subject of local enquiry as a preliminary step to a thorough investigation of this question by an expert Commission during the forthcoming cold weather season.

25. In making public the Report of the Commission and in passing judgment upon it the Governor General in Council desires finally to record his appreciation of the assistance which the Government will derive in the treatment of future famines from the body of authoritative opinion that has thus been placed at its disposal. He feels assured that a material advance has been made towards a solution of the difficulties with which the State is confronted in undertaking at uncertain intervals and at short notice a gigantic and unparalleled system of poor relief. If India is called upon again to suffer in the future, she will be better able, in so far as management and organisation are concerned, to meet her misfortunes from the lessons that have been learned in the sad school of the recent visitation, and that have now been collated by the most competent and sympathetic hands.

THE FAMINE IN INDIA.

394,000 ON RELIEF.

NO RAIN WHERE THE NEED IS GREATEST.

The Secretary of State for India has received the following telegram from the Viceroy, dated September 28:—

Rain has improved prospects greatly in Bengal, Central Provinces, parts eastern and central North-Western Provinces, and Bombay Deccan, securing standing crops and rabi sowings. General rain has fallen also Madras, but none in parts of country where need greatest—namely, Kathiawar, Rajputana, Southern Punjab. Complaints have been received also from Malwa, Indore, and North-Western Provinces (West). In Punjab general prospects are favourable still, but rain is wanted. Prices are rising in Punjab, Rajputana, Bombay Deccan. Number of famine relief recipients shows a decrease of 18,000 Bombay, mainly in number receiving charitable relief. Number of persons in receipt of relief:—Bombay, 323,000; Bombay Native States, 35,000; Baroda, 28,000; Haidarabad, 5,000; Madras, numbers not reported; Central India States, 1,000; Mysore, 2,000. Total, 394,000.

THE INDIAN FAMINE FUND.

The Lord Mayor of London has received the following letter from Sir Francis W. Maclean, Chief Justice of Bengal, and chairman of the Central Executive Committee of the Indian Famine Fund:—

Treasury Buildings, Calcutta, Aug 31.

My Lord Mayor,—The labours of the Central Executive Committee of the Indian Famine Charitable Relief Fund have now practically determined and the fund has been closed. I am desired to express on their behalf, as I do most cordially on my own, our deep sense of gratitude for the invaluable assistance which your Lordship and the immediate subscribers to your fund have rendered by your most charitable efforts on behalf of the famine-stricken people of India, who have borne their troubles with the utmost fortitude and a quite remarkable patience. I am satisfied they will ever gratefully remember the benevolent generosity which has been so unsparingly displayed towards them. Your subscribers may rest assured that their charity has mitigated a vast amount of suffering and much dire and bitter distress. I have much pleasure in sending your Lordship a copy of the Central Committee's report and again tendering you our most hearty thanks. I have the honour to be, my Lord Mayor, your most obedient servant,

FRANCIS W. MACLEAN,
Chairman, Central Executive Committee.

The Right Hon. the Lord Mayor of London.

It may be remembered that the Indian Famine Fund was inaugurated last year at the Mansion House in the Mayoralty of Sir Alfred Newton, and continued by the present Lord Mayor. The total sum raised was £394,000.

Messrs. William Watson and Co. write to the "Times" (September 27):—On behalf of Mr. R. P. Lambert, district superintendent of police, Ahmedabad, and in justice to a benevolent foreigner, we hope you will accord publicity to the fact that Mr. Scholder-Develay, of Zurich, has from time to time sent Mr. Lambert, for this fund through our agency, the sum of no less than Rs.23,699.9.3 of which Rs.16,962 has been distributed principally amongst the various orphanages rescuing starving orphans during the famine. Through the charitable sympathies of Mr. Scholder-Develay money has been collected amongst the French, Germans, and Swiss; and we venture to think that the many recipients of his charity will not object to this public acknowledgment of his exertions. Accounts for the amounts subscribed will be acknowledged in the "Times." In conclusion we beg to state that the unspent balance is being kept with us in view of the anticipated distress during the current year.

THE "INVESTORS' REVIEW" FUND.

We take the following from the current issue (September 28) of the "Investors' Review":—

These are the gifts that cause us to rejoice and to have hope for the old land yet, blinded, bamboozled, sore bested though it be. Well may the sender of this £25 write sternly as he does about this "monstrous and cursed war" which leaves the coun-

try either without the means or minus the will to help India. It seems to take more interest in the capture of a "famous Boer scout" than of all the warning symptoms of decadence and dissolution furnished not by India alone but by nearly every portion of his Majesty's dominions. Who we should like to know will subscribe to relieve it when in consequence of the all-devouring ruthlessness of Empire our home population becomes hungry and cries aloud for bread?

But this is the gift of a friend. Where are our full-pursed foes? They do not care for India, nor for England, nor for aught save gold and the gold company share mart. Nevertheless, a few more cheques, no matter whence, crossed "Union Bank of London, Indian Famine Fund," will be welcome indeed, for in India famine is the abiding foe of England's dominion.

To amount acknowledged last week...	£955	1	8
,, Jas. F. Pullar, Esq., Perth	25	0	0
Total to date	£980	1	8

THE POVERTY OF INDIA.

[From the "Manchester Guardian," September 30.]

"The Poverty of India." By Dadabhai Naoroji. (London: Sonnenschein and Co. 8vo, 675 pp. 10s. 6d.)

The fuller title of Mr. Naoroji's book, "Poverty and un-British Rule in India," contains in itself a painful indictment enforced by certain plain facts and figures. Mr. Naoroji uses no inflammatory language, his loyalty to Great Britain abides intact, he is a confirmed believer in the substantial justice and efficiency of our officials, but the financial and political system they represent he shows to be responsible for the growing impoverishment and degradation of his countrymen. The feeling with which one lays down this volume is one of mingled shame and despair—shame for the revelation of the cowardice of politicians, despair as one considers the almost universal apathy with which the Imperial democracy regards "the richest gem in the Imperial diadem."

The trouble is economic and political. India, an extremely poor country, is saddled with a most expensive government. Whereas the great majority of the population are peasants, whose average family income is shown to be not more than some 40s. per annum, they have to keep an elaborate European government, the officials of which are paid at salaries double and treble what would be paid in Europe for similar work, and after a short official life retire with pensions based upon the same standard of pay. The complaint is not that these men are greatly overpaid considering the abnormal life they are called upon to lead, but that India does not need the services of most of them, and cannot afford to pay for them. There is only one defence possible for an expensive government—viz., that its excellence is such as to enhance the resources of the people who bear its cost. This defence, unfortunately, is not tenable in the case of India. Though no exact measurement exists of her present as compared with her past resources, there is no ground for supposing her better able in these latest years to bear the burden of our government than formerly. References to the general qualities of our administration, in which Secretaries for India indulge in Parliament, have no more relevancy to this vital point than have comparisons of the absolute money payments made by Indian as compared with British taxpayers. The population of England, we are told, pay 50s. per head per annum in taxation; the Indian pays only 5s. But the real weight of Indian taxation is enhanced in two ways. The 5s. of the Indian represents some 15 per cent. of his total income, the 50s. of the Englishman representing no more than 6 or 8 per cent., while the smaller income feels all taxation more oppressive, inasmuch as it curtails the supply of prime necessaries of life instead of comforts and luxuries. A country producing annually an income only about one-fifth as large as that of Great Britain simply cannot afford a government which costs normally four-fifths as much. To make the matter worse, some twenty millions of this expenditure are drained out of the country for pensions, salaries, and government expenses in England, while ten millions more go in remittances by non-official Europeans and in interest on investments. This bleeding of India by removing wealth to the amount of some thirty million pounds per annum, without replacing it, is the prime direct source of India's poverty, for this sum represents at least one-tenth of the real income of India from its natural resources.

Mr. Naoroji is justified in what he says of the grave economic effects of this bleeding process, though he reverts to curious pre-Smithian economics in refusing to reckon railway wealth, house property, profits of trade, etc., as sources of real income (pp. 180-5). No doubt the taxation of the people was quite as heavy under the rule of Native Princes before we came, and more wastefully administered; but it was not levied with that iron uniformity which drives the peasants ever deeper into the pit of the money-lender, and it was expended in the country. To the theoretic economist it may seem to make no difference whether the taxation results in the draining off of twenty million pounds' worth of grain, etc., to England, or in the consuming of the same sum in luxurious show, in idle retinues, and other Court expenses in India. But in point of fact the difference is immense, for the net produce of the land has not been increased to meet the modern drain, and the lavish expenditure of the old Courts provided employment and wages for a large population which was, and is, redundant for purposes of agriculture. Even the British capital invested in railways and other useful public works does not benefit India to the full extent, for all the best-paid posts upon these works go to Europeans. All this is rightly described as an unnatural condition which keeps India in continual hopeless poverty.

Only restore India to her natural economical conditions. If, as in England, the revenue raised from the people returned to the people—if the income of railways and other public works, taken from the people, returned to the people, to fructify in their pockets, then would there be no need for anxiety for finance or famines, or for pinching in salt or poisoning with opium millions of the human race. India would then pay with ease £100,000,000 or £200,000,000 of revenue, and would not be the worse for it. It would be far better also—which would then be the case—that India should be able to purchase £1 or £2 worth a head of British manufactures, and become England's best and largest customer instead of the wretched one she is at present.

The financial drain is accompanied by what Mr. Naoroji calls the "moral drain," by which he signifies the removal of all the knowledge and experience of statecraft, both legislative and administrative, and of science and learning, in the European sense, when the persons monopolising the high official and professional posts retire to England.

This moral drain marks the transition from the economic to the closely connected political grievance of India, the deprivation of all the rights and duties of self-government and of her just share in the privileges of British subjects. The least pleasant pages of our Indian record have reference to the deliberate and systematic evasion of express pledges relating to these matters. Mr. Naoroji does well to preface his opening chapter with the quotation from the Act of Parliament of 1833 to the effect "That no Native of the said territories, nor any natural-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, or any of them, be disabled from holding any place, office, or employment under the said Company." This pledge, as he shows, was solemnly endorsed when the Crown took over the government from the Company in 1858, and has been repeated by Lord Lytton and other Viceroys in the most explicit manner. Yet no serious attempt at fulfilment has been made, though essentially Conservative statesmen such as the Duke of Argyll, Lord Northbrook, Lord Randolph Churchill, and the Duke of Devonshire have protested against the breach of faith. The story of the vain endeavours of the friends of India to break through the network of disabilities which have kept Indians from competing upon equal terms with Englishmen for official posts in their own country is painfully instructive. As far back as 1860 a Commission strongly recommended simultaneous examinations for the Civil Service to be held in London and the Indian capitals. This Report was suppressed. In 1893 the House of Commons passed a resolution to the same effect. Lord Kimberley encouraged the Government of India to set it at naught, and the result is that all the best posts are still reserved for Europeans, while a certain number of lower appointments are thrown open. Perhaps the most illuminating pages in Mr. Naoroji's book are those containing the correspondence by which he endeavours to extract from the War Office and the Admiralty the reasons for excluding Indians from these services; the tortuous and shifty replies of Mr. Goschen constitute a liberal education in official diplomacy. The issue is of the utmost moment, financial and political. The financial aspect is thus forcibly expressed by Sir William Hunter:—

> If we are to govern the Indian people efficiently and cheaply, we must govern them by means of themselves and pay for the administration at the market rates of Native labour. . . . Good work thus commenced has assumed such dimensions under the Queen's government of India that it can no longer be carried on, or even supervised, by imported labour from England, except at a cost which India cannot sustain.

The political aspect is not less urgent. We have professed the justice and utility of using our supremacy to educate Indians in those arts of responsible self-government which we profess to be essential to the well-being of every civilised nation. We have tinkered with representative institutions in a few municipalities; we have established schools and colleges which, owing to our policy of exclusion, are turning out an unemployed intellectual proletariat; we let in a thin trickle of Indian blood into our lower services

by examination, and make a few carefully chosen nominations to the provincial councils. But we have made no thorough attempt to act up to our professions, to give Indians a fair chance in their own country, and to build up a sound machinery of self-government in India. The condition of affairs is now worse than ever, for while the old official professions are still repeated in public, the actual policy is drifting steadily towards closer despotism, while the private professions of the English governing classes are based upon an unconcealed conviction that Indians are permanently incapable of representative self-government. If Mr. Naoroji's book is painful reading to all who prize England's honour, it provides a curious sardonic entertainment to the student of political philosophy who considers of what marvellously abrupt inconsistencies a nation is capable. Mr. Naoroji quotes a passage from a speech of Mr. Chamberlain, delivered in 1896:—

> Now I have never denied that there is just cause for discontent in the Transvaal Republic. The majority of the population there pay nine-tenths of the taxation and have no share whatever in the government of the country. That is an anomaly which does not exist in any other civilised country, and it is an anomaly which wise and prudent statecraft would remove. I believe it can be removed without danger to the independence of the Republic, and I believe until it is removed you have no permanent guarantee against future internal disturbances.

The author does well to ask whether these words do not apply with tenfold force to the case of India.

We would add one word bearing upon the composition of this book. The method here adopted of reprinting in full speeches, articles, and letters bearing on the same questions and covering a large number of years involves a great deal of repetition. The substance of the entire case, with all necessary evidence and authorities, could be well given in a quarter of the space here occupied. The present volume is far too large to secure the wide public which the urgent importance of the case demands. Could not a short volume placing the matter before the public in an orderly succinct statement of a hundred pages be prepared?

THE CIVIL SERVICE.

LIST OF SUCCESSFUL COMPETITORS.

The following are declared by the Civil Service Commissioners to have obtained the first 70 places in the recent open competitive examination for the above services. The letters H., I., C. show the services (Home, Indian, Colonial) for which the candidates have entered their names. Upon the final allocation of the candidates higher on the list will depend the ultimate position of those represented only by the numbers which they bore in the examination. The selection of every candidate is conditional on his passing a medical examination.

Name (or number).	Total marks.	Name (or number).	Total marks.
Arthur B. Keith (H.I.C.)	5,382	George M. Boughey (I.)	2,516
David M. Stewart (H.I.C.) ...	4,123	Percy B. Haigh (H.I.C.)	2,511
Robert D. Bell (H.I.C.)	3,410	Frederic A. Sachse (H.I.C.) ...	2,510
John F. Graham (H.I.C.)	3,288	John Hooper (H.I.C.)	2,489
Cecil Moore (H.I.)	3,223	94 (C.)	2,474
William C. Bottomley (H.I.C.)	3,090	Ernest W. Timms (H.I.C.) ...	2,468
John A. Hubback (H.I.C.)	3,062	Samuel W. Goode (H.I C.) ...	2,459
Alan K. Smith (H.I.C.)	2,927	Ralph A. Wilson (I.C.)	2,458
Frederick Lewisohn (H.I.) ...	2,883	Robert E. Jack (H.I.C.)	2,456
George A. D. Stuart (I.)	2,864	Charles W. Grant (I.)	2,450
234 (H.)	2,855	227 (H.)	2,446
Charles H. B. Kendall (H.I.C.)	2,842	Alexander R. Cox (H.I.C.) ...	2,436
Charles H. Moseley (H.I.C.) ...	2,794	231 (H.C.)	2,426
Alfred J. Harding (H.I.C.) ...	2,793	Edgar S. Liddiard (H.I.C.) ...	2,413
Robert Skinner (H.C.)	2,764	Francis G. Williams (H.I.C.) ...	2,402
John S. Furnivall (H.I.C.) ...	2,736	215 (H.C.)	2,397
John E. C. Jukes (H.I.C.)	2,699	John T. Scotson (H.I.C.)	2,394
James D. Sifton (H.I.C.)	2,660	Basil S. Boulter (H.I.C.)	2,393
Hubert R. Cowell (H.C.)	2,638	Neilson H. Prenter (H.I.C.) ...	2,392
Joseph W. Bhore (H.I.C)	2,627	246 (H.C.)	2,391
240 (H.)	2,626	Sydney F. H. Goffin (H.I.) ...	2,387
James A. Webster (H.C.)	2,625	Carleton M. King (H.I.C.)	2,382
Charles H. Grimshaw (H.I.C.)	2,618	103 (H.I.)	2,367
Camajee N. Cama (H.I.C.) ...	2,611	Thomas Couper (H.I.C.)	2,360
Vincent Connolly (H.I.C.)	2,607	239 (H.C.)	2,359
Christian Tindall (H.I.C.)	2,603	211 (H.I.)	2,358
John Monteath (H.I.C.)	2,602	Hyde C. Gowan (H.I.C.)	2,334
Gerald B. Mumford (H.I.C.) ...	2,596	Raymond E. Gibson (H.I.C.) ...	2,319
William C. Butcher (H.I.C.) ...	2,595	247 (H.)	2,312
Byramji N. Cama (H.I.C.) ...	2,593	Randal Casson (I.C.)	2,305
Herbert J. Creedy (H.I.C.) ...	2,588	4 (I.)	2,304
Frank Noyce (H.I.C.)	2,564	Oscar D. Skelton (H.I.C.)	2,302
John H. R. Fraser (H.I.C.) ...	2,561	214 (H.)	2,293
Idwal G. Lloyd (H.I.C.)	2,541	Hugh B. Holme (H.I.C.)	2,291
George Flowers (I.)	2,518	98 (I.)	2,285

The following stand next in order of merit:—

30 (H.I.C)	2,265	132 (I.)	2,237
194 (I.C.)	2,264	165 (H.I.C.)	2,235
182 (H.I.C.)	2,259	63 (H.I.C.)	2,215

Civil Service Commission, September 26.

THE DISMISSAL OF MR. PENNELL.

HIS REPLY TO HIS OFFICIAL ACCUSERS.

We set forth elsewhere (in our leading article and in "Notes and News") the main facts connected with the removal of Mr. A. P. Pennell from the Indian Civil Service. Here we print the document he sent last August to the India Office in reply to a letter of the Government of India, dated May 30 last, recommending his removal from the service.

Mr. Pennell's reply, it will be seen, is not brief. But it is brevity itself in comparison with the bulky dossier of 350 printed folio pages in which his official accusers marshalled every available scrap of matter to his prejudice which could be ransacked from the records of sixteen years' service.

To this comprehensive compilation of irrelevant afterthoughts Mr. Pennell (who had been "suspended" on the sole alleged ground that he had not made over a certain record) was required by the India Office to send his answer within a month from the date (June 29) when it was first communicated to him. At Mr. Pennell's request this extraordinarily narrow time-limit was afterwards extended to August 10.

From Mr. A. P. Pennell, Indian Civil Servant.

To the Under Secretary of State for India.

Sir,—With reference to your No. J. and P. 989, dated the 29th June, 1901, enclosing copy of a letter from the Government of India recommending my removal from the Indian Civil Service, I have the honour to submit the following reasons against the adoption of that course.

I would premise that I was suspended from my employment so far back as the 4th March, 1901, by the Government of Bengal, purporting to act upon the recommendation of the Calcutta High Court; the only information afforded to me as to the cause of my suspension being contained in a copy, annexed to the order suspending me, of a letter from the Registrar of the High Court to the Chief Secretary to the Government of Bengal. That letter (No. 600, dated the 4th March, 1901) is not among the enclosures of the Bengal Government's letter recommending my dismissal; but it is one of the enclosures to both the memorials which I have successively addressed to the Secretary of State; and his Lordship will find it printed among the enclosures of the Bengal Government's letter No. 124 A.D., dated the 19th May, 1901, forwarding the second of those memorials. On a reference to it his Lordship will see that save and except a vague charge of "contempt," the nature of which contempt is not indicated, the only ground alleged for recommending my suspension is that I "did not hand over" a certain record: and though the letter does not state that I ever refused to make over this record (and indeed the allegation that I "declined to reply" seems to negative such a supposition) I presume it is intended to suggest the inference that I was unwilling to make it over.

But although this charge of failing to make over a record is the only one which has ever been brought to my notice by the authorities who have first suspended and are now proposing to dismiss me, I find from the papers enclosed with your letter that it has to all intents and purposes been abandoned, and that I have now to meet a number of general charges extending over my whole life and which I have to extract as best I can from 350 printed folio pages; that I am accused of malevolence, incompetence, falsehood, malice, "morbid vanity" amounting to delusion, "habitual and designed" insubordination, repeated abuse of my official position and powers, even with a wilful desire to provoke removal from the service. It is further thought necessary to refer to the facts that in my younger days I horse-whipped a man in Burma in 1893, and made a high official very angry in 1894.

The first remark I have to make with reference to these charges is that if they are really true—if the picture drawn of me by the Government of Bengal and the Government of India is a correct one—it is somewhat surprising that I should have been so long retained in responsible employment by official superiors who appear, I would submit, to entertain no very friendly feelings towards me—still more so, that when those superiors at length bestirred themselves to take against me the action which they should have taken years before, they should, with so many far more serious charges in reserve, have preferred to advance against me one which on the face of it is comparatively trifling and which, whether trifling or not, is not now seriously pressed even by themselves.

In the next place, I would point out that your letter of the 29th June was the very first intimation I have had of these charges—and was also the very first time that any one has given me an opportunity of being heard, either on the present charges or on that on which I was originally suspended. It is not that there was ever any difficulty in communicating with me, or in asking for my explanation. I was suspended on the 4th March; and I did not quit India till the 15th May, nearly two and a half months later. The authorities throughout were aware of my whereabouts—indeed, I was all along praying—clamouring, if that expression be preferred—to be informed what they themselves charged me with (as they professed to be acting only on the recommendation of others) and to be given a chance of defending myself—clamouring so that the very loudness of my protests is stigmatised as revealing a "wilful desire to provoke

removal from the service," the very fact that I appeal to the Secretary of State against one act of injustice being made a reason for perpetrating another.

After being suspended I waited some days in the expectation that the Bengal Government, who professed to have suspended me merely because they were recommended to do so, would frame charges of their own and would call for my explanation on those charges, and I was encouraged in this expectation by the fact that the Government of India's rules lay down that this must invariably be done when an officer is suspended and indeed direct that it should be done simultaneously with his suspension. As however no further orders reached me, I wrote to the Bengal Government on the 11th March enquiring whether it was in contemplation to frame any charges against me, and whether I should be allowed to submit any explanation or to be heard in my defence. The Bengal Government informed me, on the 13th March, that they had no further information to give me. On the 18th March I addressed the Government of India, asking that they would be pleased to direct the Local Government either to re-instate me or to inform me what the charges against me were and to give me reasonable facilities for defending myself. On the 20th March the India Government intimated that they declined to interfere with the orders passed by the Local Government, and referred me to the Registrar's letter for the reasons for my suspension—a clear indication, I submit, that I had nothing else to answer for to the executive authorities. The Local Government delayed for a whole day to send in this letter, though I had specially asked to get a reply, if it were intended to send me any at all, in time for me to write to his Lordship by the outgoing mail, and in consequence I despatched to the Secretary of State direct, on the 21st March, the memorial alluded to in paragraph 11 of the Government of India's letter, and two days later forwarded a copy (enclosure No. 38 of the Bengal Government's letter) through the usual channels. This latter copy was returned to me by the Bengal Government with a letter dated the 2nd April not received by me till April 6th. On the 29th April I submitted a fresh memorial to the Secretary of State through the usual channels, which has been forwarded by the Government of India with their letter recommending my dismissal. A copy of this second memorial I sent home by my sister on the 30th April, and I hold for it your office receipt dated the 3rd June.

These facts, which I have briefly recapitulated for easier reference, are set forth in somewhat more detail in my memorial of the 29th April. It will be seen that I was all along pressing to be informed what the charges against me were, and to be heard in my defence; that both the Local and the (so-called) Supreme Government persistently refused to hear me in my defence either on the charge brought against me by the High Court or on any other charge, or to give me any information whatever; that one memorial which I addressed to his Lordship so far back as the 23rd March has been withheld altogether, and that a later memorial which I submitted through the Government of Bengal on the 29th April has only been forwarded when by leaving India I had taken the matter out of the local authorities' hands.

The anxiety of those authorities—of the Government of Bengal and of the Government of India—to keep the matter from his Lordship will be clearly apparent from the following circumstances. The Government of Bengal in their para. 23 complain of my having taken the "unusual course" of forwarding a copy of my (first) memorial direct: which they apparently put forward as an instance of "marked insubordination." Whether it is "unusual" to send his Lordship copies of such memorials direct will be best known to your office: all I would submit is that there is no apparent harm in doing so, while from numerous communications which I have received from other persons similarly circumstanced, it seems to me to have been a very wise precaution. I may also point out that when memorialising the Government of India I similarly sent a copy direct (it is printed as an enclosure to the Bengal Government's letter No. 124 A.D., dated 19th May, 1901—the letter forwarding my second memorial). It was not indeed a case of sending: I personally handed over the copy to Mr. J. P. Hewitt, C.I.E., the Secretary to the Government of India in the Home Department and got his receipt for it. Mr. Hewitt asked me if it was a letter which had to come through the Bengal Government and I said "yes," and that I was sending a duplicate through them. Mr. Hewitt then gave me a receipt in the following terms:—

> "Received a duplicate copy of a letter which is being submitted by Mr. Pennell through the Government of Bengal."—J. P. Hewitt, 18/3/01.

If there had been any objection to my sending a copy direct I submit that Mr. Hewitt would have pointed it out, if not indeed refused to receive the copy. The fact that he received it without raising any objection shows, I submit, that he did not think there was any objection to my memorialising the intermediate Government direct. I submit there was none to my similarly memorialising the Home Government and that the Bengal Government's remarks to the contrary merely reflect their disinclination to have the facts contained in my memorial brought to his Lordship's notice.

The Government of India are less candid than the Government of Bengal: they do not openly object to my sending the memorial direct, but only to other people's knowing that I had done so—they complain of the facts being made public (vide their para. 11). And indeed the predominant idea of the executive authorities seems to have been not so much to prevent his Lordship knowing the facts, as to prevent his knowing those facts officially.

In this connexion I desire to invite his Lordship's special attention to the date of the Bengal Government's letter returning my memorial. The memorial was sent to them on the 23rd March and a pencil note shows that they received it on the 25th, but it was not returned till 2nd April, the first day after the close of the quarter on which the public offices were open. Now Rule XIV of the Rules about the Submission of Memorials addressed to her Majesty the Queen or her Secretary of State for India directs that a list of memorials withheld by the authorities in India shall be forwarded quarterly to his Lordship. If the Bengal Government had returned the memorial in March the fact of their withholding it would have been brought to his Lordship's notice almost immediately, but by delaying to issue orders on it until after the close of the quarter, they secured another three months, during which his Lordship would have no official knowledge of the memorial, for the copy sent by me direct, not having been forwarded as prescribed in the Rules, could have been ignored by his Lordship, had he been so disposed, under Rule 1.

From paragraph 12 of the Government of India's letter it appears that his Lordship was pleased not to ignore the memorial but to communicate respecting it with the Government of India: but the action of that Government and of its subordinate Government in delaying to return it (and in consequence to report its return) left to his Lordship the option of ignorance, and I submit that it was their hope and belief that his Lordship would exercise that option.

I have imputed the delay in returning my first memorial to the Government of India as well as to the Government of Bengal. It is true that there is no direct proof that the former Government was consulted: but as Lord Curzon was in Calcutta at the time, and my case was the burning topic of the day, I submit that he must have been consulted. I may add that I believe that he was consulted by Sir John Woodburn even before my suspension: and that I myself saw the latter driving away from Government House (the Viceroy's residence) looking very grave, at 6 p.m. on the 4th March, less than two hours before his Under-Secretary handed me the order of suspension at the United Service Club. Whether I am correct in these surmises his Lordship can if he thinks proper ascertain. I would only point out that I do not say that the consultation in either case was official, or that there will be any record of it. I think it improbable that the quarterly return in which the withholding of my memorial is reported will have reached your office yet, or that it would reach your office in the ordinary course till after Parliament rises. The local authorities in India would thus, but for my coming home, have secured that his Lordship should have no official knowledge of my case until after the adjournment of Parliament.

It will be seen that the local authorities have not only refused me a hearing themselves but have done everything in their power to prevent his Lordship giving me a hearing. They withheld my original memorial, they took steps to secure that his Lordship should not know of their withholding it for months to come, they betray their irritation at my having sent his Lordship a copy direct and their disappointment at his taking any notice of it, they withhold a second memorial until after I have left India, and then stigmatise my departure as "wilful desertion" in the hope apparently that his Lordship will treat it as such and refuse to recognise me.

With the charge of desertion I will deal at more length hereafter. My submission here is that the only object in advancing it was to secure, if possible, that I should not be given a hearing, to prevent his Lordship from taking the very step which he has taken.

An attempt has been made in para. 5 of the Bengal Government's letter No. 124 A.D. of the 19th May (the letter forwarding the second memorial) to gloss over the delay of that Government in "issuing further orders" to me after my suspension. The ground alleged is that the appeal case (for the non-delivery of the records in which I was suspended) was not heard in the High Court until the 10th April—that judgment was not delivered in that appeal till the 17th April, nor in Mr. Reily's case till the 26th April—and that "while these cases were pending, it was impossible for the Lieutenant-Governor to issue any further orders to Mr. Pennell." I would point out that my failure to deliver up the appeal case record could have nothing to do with the High Court's opinion as to the merits or demerits of my judgment in the appeal case—as this could not possibly affect the question of my having failed to make over the record. If the High Court had intended to take any further action against me for that non-delivery, such action would have formed the subject of a separate proceeding; their approval or disapproval of my judgment in this case could not possibly have anything to do with that action. Mr. Reily's case had, if possible, even less to do with the charge on which I was suspended—a charge of not making over the record in a separate case. The Local Government had not the slightest pretext for professing to believe that the High Court intended to proceed further with the charge on which they had recommended my suspension, and as I shall show hereafter had on the contrary the best possible reason for believing that no further proceedings would be taken on that charge, the High Court having decided at a meeting held on the 6th March not to proceed further with it. Thus the reason assigned by the Local Government for their refusal either to re-instate me or to frame further charges against me altogether fails. But even if it be assumed for the sake of argument that the Lieutenant-Governor was for a time under the erroneous impression that the High Court intended to proceed with the charge of non-delivery of records, that impression must have been effectually removed by the receipt on the 23rd April of the Registrar's letter No. 1,049 (enclosure No. 41 of the Bengal Government's letter).

(To be continued.)

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